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C O N F I D E N T I A L SECTION 01 OF 03 BAGHDAD 003808

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TAGS: PGOV PREL I2

SUBJECT: KURDISH WAR OF WORDS WITH MALIKI ESCALATES OVER
PM'S TRIBAL SUPPORT COUNCILS

Classified By: POLITICAL MINISTER COUNSELOR ROBERT FORD FOR REASONS 1.4
(b) and (b).

¶1. (C) Summary/Comment: A war of words between Prime Minister Nuri al-Maliki and the Kurdish Regional Government (KRG), precipitated by Maliki's plan to create Tribal Support Councils in areas disputed by the KRG and the GOI, has steadily escalated in the past week, drawing attention to a range of differences between the KRG and the GOI. The Kurds' concerns parallel those of the Shi'a Islamic Supreme Council of Iraq (ISCI), who share the fear that Maliki's Support Councils are intended to project Maliki's Dawa party's influence at the expense of its rivals. It is unlikely that this rhetoric will lead to military conflict. However, the prominent public airing of KRG grievances, Maliki's responses and piling on by other parties could lead to a no-confidence vote in the Maliki government and a resulting paralysis of government. End Summary/Comment.

GOI Plan for Support Councils; KRG, ISCI Opposition

¶2. (C) What began as a controversy over Prime Minister Maliki's plan to develop Support Councils last summer and his insistence on implementing that plan in the face of opposition from Kurds and his own Shi'a Coalition ally ISCI, has escalated in the past weeks into a heated war of words. This rhetorical crisis was precipitated by Maliki's plan to extend Tribal Support Councils, ostensibly a mechanism for government delivery of resources to tribal leaders in the provinces, to areas in the central and southern parts of the country, where Maliki claims to have created them to gain support for the political process and national reconciliation (Note: Opponents of the Support Councils claim Maliki is using them to advance narrow partisan or sectarian interests. End Note) On November 18, the Iraq Presidency Council (President Talabani, Vice President Hashimi and Vice President Mahdi) called on Maliki to terminate his plan to establish Support Councils, which are run through the Prime Minister's Office, and, instead, to organize tribal support for Iraqi security agencies. The letter - which leaked to the press - asserted that creation of the councils was unnecessary given the improved security situation. It also said that the Iraqi leadership had not agreed on the scope, policies or future of such councils. The Kurds and ISCI have asserted that without involvement of parliament, the cabinet or provincial governments, the creation of such councils was illegal. In fact, ISCI heir apparent Ammar al-Hakim slammed the TSCs as "unconstitutional" in an October discussion with PMin.

¶3. (C) Strong Kurdish opposition to Support Councils came in the wake of the tense KRG-GOI standoff in Khanaqin in August over what the KRG interpreted as an effort by Maliki to establish a military presence in a disputed city. The KRG interpreted Maliki's plan to establish Support Councils in disputed areas such as Kirkuk as another means of creating a military presence there loyal to Baghdad against the Kurds. Similarly, on September 24 ISCI issued the first major public

rebuke of Maliki's Support Councils in a statement that characterized the TSCs as a partisan ploy to favor Da'wa. ISCI said that Da'wa intended to use the state to buy tribes and support for its party and intended to create a dual government.

Maliki Responds

¶4. (C) Maliki answered his critics in a November 20 press conference, accusing the Kurdish leadership of violating the Iraqi constitution by signing oil contracts with foreign countries. Then, in a letter to Talabani dated November 27, and made public on December 3, Maliki said that the Support Councils were meant to form a part of a fragile Iraqi security system for which the Prime Minister, and not the Presidency, was constitutionally responsible. He argued that to act differently -- to consult the Presidency -- violated the constitution, would impede work and paralyze the state. He said that Iraqi army and police were incapable of imposing the rule of law without the support offered by tribal councils now and by the support councils at later stage. Addressing Kurdish concerns that the councils would be armed, Maliki stated that he had not provided Support Councils with any guns, rifles or bullets. Maliki accused Talabani of leaking the Presidency Council's November 18 complaint and said that had forced him to respond.

KRG Raises the Stakes

BAGHDAD 00003808 002 OF 003

¶5. (C) The KRG responded December 1 to Maliki's press conference, after holding its fire to avoid complicating the passage of the SoFA ratification law, a bill both the KRG and Maliki supported. The KRG stated that Maliki intended to suspend the constitution to effect a more highly centralized government, impose the decision of one party to the exclusion of other parties in the coalition, militarize the country by using the Iraqi army for political purposes, and establish political groups armed and funded by the government. Specifically, the KRG accused Maliki of trying to create groups to support the Prime Minister in disputed areas. To do so, the government was enlisting former collaborators who, armed and paid for by the federal government, would destabilize and sow dissension in the Kurdistan Region. The KRG said that whether the Support Councils were constitutional was a question to be decided by either the Council of Representatives (CoR), the Presidency Council or the Federal Supreme Court. Raising the stakes, and linking Maliki's action on Support Councils to other KRG grievances against the GOI, the KRG asserted that the GOI's attempt to send in the Iraqi Army and create Support Councils in Article 140, the constitutional provision for resolving disputed areas. It charged that the Khanaqin incident was never about security, but rather was an attempt to change the facts on the ground and bypass the constitution.

¶6. (C) President Talabani, in a December 1 press conference in Kurdistan, was less confrontational, saying that Maliki was his friend, still enjoyed the confidence of the parliament and the main Iraqi forces, and had made some positive achievements and possibly some negative ones. He added that criticism of Maliki should be made through official channels and that disputes should not be aired in the media. But at the same time Talabani noted that Maliki's insistence that Support Councils were legal would have to be tested in the constitutional court.

Maliki's Move?

¶7. (C) Commenting on the recent heightened rhetoric between the KRG and the PM, Maliki's Chief of Staff Tariq Abdullah told the DCM December 3 he was surprised Talabani had decided to publish the Presidency Council letter critical of Support Councils and claimed Talabani at first favored the Support Councils. Abdullah claimed the Maliki Government had specifically avoided contacting northern tribes that oppose the KDP or PUK. Abdullah said that the Implementation and Follow-up Committee for National Reconciliation (IFCNR) -- the body directly under the Prime Minister responsible for the Support Councils -- included Shi'a, Sunnis and Kurds. Abdullah insisted that Support Councils were not an election tool for Da'wa as ISCI claims. The Support Councils were designed to support the "government," not a specific party. Abdullah stressed the need to solve the controversy of Support Councils behind closed doors, rather than escalating the public accusations.

¶8. (C) But criticism of Maliki is on the rise: Vice President Adil Abd al-Mahdi complained to the Ambassador December 1 of Maliki's increasing reluctance to consult other (non Da'wa) Iraqi leaders and said he+, QAQQ%9QQto draw more attention to Maliki's misdeeds. In the presence of KRG President Barzani, they joked that "the Barzani-Maliki divorce is being dealt with by their lawyers." KRG Prime Minister Nechirvan Barzani told PolOff that the KDP hopes Maliki will try to defend himself via the press. On December 3, Fuad Hussein intimated that the public feud lays more groundwork for "a political transition." Many politicos here perceive the heightened rhetoric is the start of a move to unseat Maliki. Many in the Kurdish political bloc perceives that Maliki is not serious about implementing the provisions of the constitution to solve the outstanding issues of disputed areas, displaced Kurdish populations, security and oil. Many in Maliki's Shia Islamist Coalition partner, meanwhile, feel Maliki is not sharing power with ISCI. ISCI sees its alliance with the Kurds, founded on similar positions on federalism, as an essential pillar of Iraq's political landscape but has been reluctant to openly break with Da'wa or risk undermining its standing on the Shia street, even though ISCI and Da'wa are currently competing for upcoming provincial elections. Maliki's Support Councils are increasingly stressing ISCI's partnership with Da'wa, since ISCI perceives them as undermining its advantage in southern provincial government and security posts.

¶10. (C) We do not perceive that a move to unseat Maliki in the near future is inevitable. Independent Kurdish Coalition MP Mahmoud Othman told us December 1 that only when one reaches a crisis does the solution begin to emerge. He noted that the heightened rhetoric between Maliki and the Kurds/ISCI notwithstanding, the work of the "Five Committees," (the committees established in early October by the PUK, DPK, ISCI, and Da'wa and including the IIP to address common issues of concern) continues. Deputy Prime Minister Barhem Salih told the Ambassador November 29 that the particular committee charged with developing solutions to the disputed territories issue had agreed on a way forward. Moreover the main blocs all agreed during the SoFA vote negotiations in parliament to expand the committees to include other parties.

It may be that the difficulty of choosing a new prime minister, and the hope that ongoing quiet discussions will develop agreed ways forward on issues like power sharing, may ultimately enable Maliki to dodge the bullet over the next weeks at least.

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BAGHDAD 00003808 003.2 OF 003

the Support Councils, the KDP is indeed expecting to draw more attention to Maliki's misdeeds. In the presence of KRG President Barzani, they joked that "the Barzani-Maliki

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